

Appl. No. 09/981,113
Response to 8/03/2006 Office Action

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REMARKS

Applicants appreciate the recognition of patentable subject matter in the present application.

Applicants hereby add new claim 82. Accordingly, claims 48-82 are pending in the present application.

Claim 29 stands rejected under 35 U.S.C. 112, first paragraph. Claims 1-28 and 30-47 stand rejected under 35 U.S.C. 101.

Applicants respectfully request reconsideration of the rejections.

Referring to the objection to the drawings, Applicants have amended the specification as indicated herein and discussed below. Applicants respectfully request a telephone call to the undersigned if the amendments to the specification are not believed to be sufficient to overcome the objection to the drawings.

Referring to paragraph (a) on page 2 of the Office Action, Applicants have deleted "10" from line 4 which refers to Fig. 2. Also, Applicants have added language to lines 9 and 13 of page 11 to refer to Fig. 1 which discusses the system 10. Applicants respectfully submit that these amendments overcome the objections set forth in paragraph (a).

Referring to paragraph (b) on page 2 of the Office Action, Applicants have amended lines 13, 16 and 18 of page 18 to refer to the host computer discussed in Fig. 1 with respect to reference 48. Applicants respectfully submit that these amendments overcome the objections set forth in paragraph (b).

Referring to paragraph (c) on page 2 of the Office Action, Applicants respectfully submit no changes to the drawings are needed. In particular, the discussion of the "sub-

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carrier" on page 26, line 7 of the specification and identified by the Office refers to operations of the transponder 16. The sub-carrier was not intended to be illustrated and is not depicted in the Figures. Applicants respectfully submit no reference sign is needed for "sub-carrier" of page 26, line 7 in view of the absence of the sub-carrier from the Figures. Applicants respectfully request reconsideration of the objections set forth in paragraph (c) for at least these reasons.

Referring to the objections to the specification, Applicants have amended the application at page 26, line 7 and page 7, line 24. Withdrawal of the objections to the specification is respectfully requested.

Referring to the double patenting rejection, Applicants respectfully submit that claims 1-47 of the present application were canceled in the preliminary amendment filed July 11, 2002. Accordingly, Applicants respectfully submit that the double patenting rejection is moot in view of the previously filed preliminary amendment.

Applicants appreciate the recognition that claim 29 recited allowable subject matter. Such claim which was canceled by the preliminary amendment has been reintroduced as new claim 82. Applicants respectfully request allowance of claim 82.

Referring to the 112, first paragraph rejection, the Office alleged at page 3 of the Office Action that original claim 29 did not comply with the written description requirement. Applicants respectfully refer the Examiner to the teachings of one embodiment of the specification at page 19, lines 22+. In one embodiment, the modulator 77 amplitude modulates the carrier signal using a spread data signal. The specification at page 20, lines 1+ states in one embodiment that modulator 77 is configured to phase modulate the carrier

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signal and phase modulation is utilized to provide suppression of power within the carrier signal. Thereafter, the specification provides that the carrier signal is communicated following amplitude and phase modulation. Applicants respectfully submit that claim 29 complies with the written description requirement in view of these teachings of one illustrative embodiment of the specification.

Applicants respectfully request issuance of a non-final Action if any of the pending claims 48-81 are not found to be patentable. In particular, claims 48-81 added in July 2002 have not been examined and Applicants respectfully assert that the Office Action clearly fails the regulatory mandate of 37 CFR 1.104(b) that "the examiner's action will be complete as to all matters." Applicants respectfully request issuance of a non-final action if any of claims 48-81 are not allowed so Applicants may appropriately respond during the prosecution of the present application.

Applicants include an information disclosure statement herewith.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 12/4/06

By: 
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